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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

| | | | |
|--|----------------------|------------------------|------------|
| Application Number | 10/631,898 | | |
| | Filing Date | August 1, 2003 | |
| | First Named Inventor | Philip Kwan | |
| | Art Unit | 2661 | |
| | Examiner Name | Unassigned | |
| Total Number of Pages in This Submission | 10 | Attorney Docket Number | FOUND-0057 |

ENCLOSURES (check all that apply)

| | | | | |
|--|---|--|---------|--|
| <input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input checked="" type="checkbox"/> Revocation of Attorney and Power of Attorney, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ | <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Change of Attorney Docket Number; Statement under 37 CFR 3.73(b); Copy of Assignment and Recordation Form Cover Sheet filed on 8/1/03. | | |
| <table border="1"><tr><td>Remarks</td><td></td></tr></table> | | | Remarks | |
| Remarks | | | | |

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

| | |
|-------------------------|-----------------------------------|
| Firm or Individual name | David B. Ritchie, Reg. No. 31,562 |
| Signature | |
| Date | 2/13/2004 |

CERTIFICATE OF MAILING

| | |
|---|-----------------|
| I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below. | |
| Typed or printed name | Beatrice Orozco |
| Signature | |
| Date | 2/17/04 |

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Docket No.: FOUND-0057

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Philip Kwan
SERIAL NO.: 10/631,898
FILED: August 1, 2003
TITLE: SYSTEM, METHOD AND APPARATUS FOR PROVIDING
MULTIPLE ACCESS MODES IN A DATA COMMUNICATIONS
NETWORK
EXAMINER: Unassigned
ART UNIT: 2661

CERTIFICATE OF MAILING

I hereby certify that this paper is being deposited with the United States Postal Service as First Class
Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450 Alexandria, VA 22313-1450,
on the date printed below:

Date: 2/17/04

Name: Beatrice Orozco
Beatrice Orozco

Commissioner for Patents,
P.O. Box 1450
Alexandria, VA 22313-1450

REVOCATION OF ATTORNEY AND POWER OF ATTORNEY

The undersigned, having authority to act as the owner of the entire title to the patent application identified above, hereby revokes all powers of attorney previously given and hereby appoints David B. Ritchie, Registration No. 31,562; Robert E. Krebs, Registration No. 25,885; Marc S. Hanish, Registration No. 42,626; John P. Schaub, Registration No. 42,125; Adrienne Yeung, Registration No. 44,000; Steven J. Robbins, Registration No. 40,299; Thierry K. Lo, Registration No. 49,097; William Samuel Niece, Registration No.: 47,824; J. Davis Gilmer, Registration No. 44,711; William E. Winters, Registration No. 42,232; Masako Ando, (37 C.F.R. §10.9 (b)); and John Klaas Uilkema, Registration No. 20,282; Becky L. Troutman,

Registration No. 36,703; Hal J. Bohner, Registration No. 27,856; Laura A. Peter, Registration No. 33,545, to act on applicant's behalf before the United States Patent and Trademark Office for the above-identified application and to transact all business in the Patent and Trademark Office in connection therewith.

Please mail all correspondence to the following address:

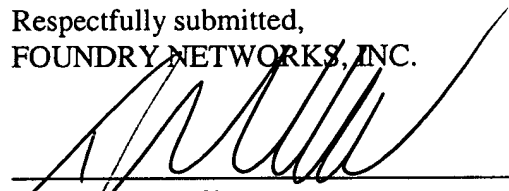
David B. Ritchie
THELEN REID & PRIEST LLP
P.O. Box 640640
SAN JOSE, CA 95164-0640

and direct all telephone calls to **David B. Ritchie** at (408) 292-5800.

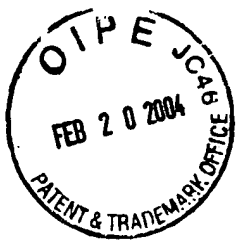
Respectfully submitted,
FOUNDRY NETWORKS, INC.

Dated: _____

2/09/04



Timothy D. Heffner
Chief Financial Officer



Docket No.: FOUND-0057

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Philip Kwan
SERIAL NO.: 10/631,898
FILED: August 1, 2003
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Date:

2/17/04

Name:

Beatrice Orozco

Beatrice Orozco

COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

**CHANGE OF ATTORNEY DOCKET NUMBER
AND CHANGE OF ADDRESS NOTICE**


Please change the Attorney Docket No. for this patent application from
1988.0190000 to **FOUND-0057**

Please address all further communications regarding this application to:

David B. Ritchie
Thelen Reid & Priest LLP
P.O. Box 640640
San Jose, CA 95164-0640
Telephone (408) 292-5800; Facsimile (408) 287-8040

Respectfully submitted,
THELEN REID & PRIEST LLP

Dated: February 13, 2004


David B. Ritchie
Reg. No. 31,562



STATEMENT UNDER 37 CFR 3.73(b)

Applicant/Patent Owner: Foundry Networks, Inc.

Application No./Patent No.: 10/631,898

Filed/Issue Date: August 1, 2003

Entitled: System, Method and Apparatus for Providing Multiple Access Modes in a Data Communications Network

Foundry Networks, Inc., a Delaware

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title, and interest

The extent (by percentage) of its ownership interest is _____ %

in the patent application/patent identified above by virtue of either:

- A. ☐ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☒ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: Philip Kwan

To: Foundry Networks, Inc.

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached. The document is presently being submitted to the U.S. Patent Office for recordation.

2. From: _____

To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____

To: _____

The document was recorded in the United States Patent and Trademark Office at

Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

2/09/04

Date

(408) 586-1700

Telephone Number

Timothy D. Heffner

Typed or printed name

Signature

Chief Financial Officer

Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Applicant: Philip KWAN
Application No.: To Be Assigned
Filed: Herewith
Due Date: None
Art Unit: To Be Assigned
Examiner: To Be Assigned
Docket: 1988.0190000
Atty: TCF/JEW
17497 U.S. PTO
10/631898
08/01/03

For: System, Method and Apparatus for Providing Multiple Access Modes in a Data Communications Network

When receipt stamp is placed hereon, the USPTO acknowledges receipt of the following documents:

1. SKGF Cover Letter;
2. PTO Fee Transmittal (Form PTO/SB/17);
3. PTO Utility Patent Application Transmittal (Form PTO/SB/05);
4. U.S. Utility Patent Application entitled: System, Method and Apparatus for Providing Multiple Access Modes in a Data Communications Network and naming as inventor: Philip KWAN, the application consisting of: a. An Application Data Sheet (37 C.F.R. § 1.76); b. A copy of the original executed Declaration; c. A specification containing: i. 21 pages of description prior to the claims; ii. 5 pages of claims (29 claims - 3 Independent); iii. a one (1) page abstract; d. 8 sheets of drawings: (Figures 1-4, 5A-5B, 6, 7);
5. Authorization to Treat a Reply As Incorporating An Extension of Time Under 37 C.F.R. § 1.136(a)(3);
6. Recordation Form Cover Sheet;
7. A copy of the original executed Assignment to Foundry Networks, Inc., recordation of which is hereby respectfully requested;
8. A copy of the original executed Power of Attorney from Assignee;
9. A copy of the original executed Statement Under 37 C.F.R. § 3.73(b) from Assignee with a copy of the Assignment attached;
10. Two (2) return postcards; and
11. Credit Card Payment Form PTO-2038 for \$952.00 to cover:
\$750.00 Filing fee for patent application;
\$162.00 Fee for excess claims; and
\$40.00 Assignment recordation fee.

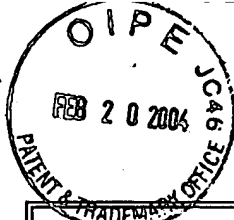
Mail Stop: Patent Application

Foreign PTO due August 1, 2004

For Advance Notification of Application Number

ODMAMHODMASKGF DCI:163078;1

IPDS due November 1, 2003



Form PTO-1595

(Rev. 03/01)

OMB No. 0651-0027 (exp. 5/31/2002)

RECORDATION FORM COVER SHEET
PATENTS ONLYU.S. Department of Commerce
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

1. Name of conveying party(ies):

Phillip KWAN

2. Name and address of receiving party(ies):

Name: Foundry Networks, Inc.

Street Address: 2100 Gold Street

City: Alviso State: California Zip Code: 95002

Country: United States

Additional name(s) & address(es) attached? ☐ yes ☐ noAdditional name(s) of conveying party(ies) attached? ☐ yes ☐ no

3. Nature of Conveyance:

☒ Assignment☐ Merger☐ Security Agreement☐ Change of Name☐ Other _____

Execution Date: July 30, 2003

4. Application number(s) or patent number(s):

If this document is being filed together with a new application, the execution date of the application is July 30, 2003.

A. Patent Application No(s).

B. Patent No(s).

Additional numbers attached? ☐ yes ☐ no

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: Sterne, Kessler, Goldstein & Fox P.L.L.C.

Internal Address: c/o Thomas C. Fiala

Attorney Docket No.: 1988.0190000/TCF/JEW

Street Address: 1100 New York Ave., N.W.

City: Washington State: D.C. Zip Code: 20005-3934

6. Total number of applications and patents involved: 17. Total fee (37 C.F.R. § 3.41).....\$40.00☒ Charge: PTO-2038 Credit Card Form Enclosed

8. Deposit Account Number:

19-0036

(Attach duplicate copy of this page if paying by deposit account)

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9. Statement and signature.

*To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.*Thomas C. FialaName of Person Signing
Registration No. 43,610
SignatureAugust 1, 2003

Date

Total number of pages including cover sheet, attachments and document 3Mail documents to be recorded with required cover sheet information to:
Commissioner of Patents and Trademarks, Box Assignments
Washington, D.C. 20231

ASSIGNMENT

In consideration of the sum of One Dollar (\$1.00) or equivalent and other good and valuable consideration paid to each of the undersigned inventor(s): Philip KWAN, the undersigned inventor(s) hereby sell(s) and assign(s) to Foundry Networks, Inc. (the Assignee) his/her entire right, title and interest, including the right to sue for past infringement and to collect for all past, present and future damages:

check applicable box(es)

- ☒ for the United States of America (as defined in 35 U.S.C. § 100),
- ☒ and throughout the world,

(a) in the invention(s) known as System, Method and Apparatus for Providing Multiple Access Modes in a Data Communications Network for which application(s) for patent in the United States of America has (have) been executed by the undersigned on 7/20/07 (also known as United States Application No. (To Be Assigned), filed (Herewith)), in any and all applications thereon, in any and all Letters Patent(s) therefor, and

SR
Reg No 76,207
8/1/07

(b) in any and all applications that claim the benefit of the patent application listed above in part (a), including continuing (continuation, divisional, or continuation-in-part) applications, reissues, extensions, renewals and reexaminations of the patent application or Letters Patent therefor listed above in part (a), to the full extent of the term or terms for which Letters Patents issue, and

(c) in any and all inventions described in the patent application listed above in part (a), and in any and all forms of intellectual and industrial property protection derivable from such patent application, and that are derivable from any and all continuing applications, reissues, extensions, renewals and reexaminations of such patent application, including, without limitation, patents, applications, utility models, inventor's certificates, and designs together with the right to file applications therefor; and including the right to claim the same priority rights from any previously filed applications under the International Agreement for the Protection of Industrial Property, or any other international agreement, or the domestic laws of the country in which any such application is filed, as may be applicable;

all such rights, title and interest to be held and enjoyed by the above-named Assignee, its successors, legal representatives and assigns to the same extent as all such rights, title and interest would have been held and enjoyed by the Assignor had this assignment and sale not been made.


The undersigned inventor(s) agree(s) to execute all papers necessary in connection with the application(s) and any continuing (continuation, divisional, or continuation-in-part), reissue, reexamination or corresponding application(s) thereof and also to execute separate assignments in connection with such application(s) as the Assignee may deem necessary or expedient.

The undersigned inventor(s) agree(s) to execute all papers necessary in connection with any interference or patent enforcement action (judicial or otherwise) related to the application(s) or any continuing (continuation, divisional, or continuation-in-part), reissue or reexamination application(s) thereof and to cooperate with the Assignee in every way possible in obtaining evidence and going forward with such interference or patent enforcement action.

The undersigned inventor(s) hereby represent(s) that he/she has full right to convey the entire interest herein assigned, and that he/she has not executed, and will not execute, any agreement in conflict therewith.

The undersigned inventor(s) hereby grant(s) Laura A. Peter, Esquire, Registration No. 33,545, of Foundry Networks, Inc., 2100 Gold Street, Alviso, CA 95002, and Robert Greene Sterne, Esquire, Registration No. 28,912; Edward J. Kessler, Esquire, Registration No. 25,688; Jorge A. Goldstein, Esquire, Registration No. 29,021; David K.S. Cornwell, Esquire, Registration No. 31,944; Robert W. Esmond, Esquire, Registration No. 32,893; Tracy-Gene G. Durkin, Esquire, Registration No. 32,831; Michele A. Cimbala, Esquire, Registration No. 33,851; Michael B. Ray, Esquire, Registration No. 33,997; Robert E. Sokohl, Esquire, Registration No. 36,013; Eric K. Steffe, Esquire, Registration No. 36,688; Michael Q. Lee, Esquire, Registration No. 35,239; Steven R. Ludwig, Esquire, Registration No. 36,203; John M. Covert, Esquire, Registration No. 38,759; Linda E. Alcorn, Esquire, Registration No. 39,588; Lawrence B. Bugaisky, Esquire, Registration No. 35,086; Donald J. Featherstone, Esquire, Registration No. 33,876; Robert C. Millonig, Esquire, Registration No. 34,395; Michael V. Messinger, Esq., Registration No. 37,575; Judith U. Kim, Esq., Registration No. 40,679; Timothy J. Shea, Jr., Esq., Registration No. 41,306; and Patrick E. Garrett, Esq., Registration No. 39,987; all of STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C., 1100 New York Avenue, N.W., Washington, D.C. 20005-3934, power to insert in this assignment any further identification that may be necessary or desirable in order to comply with the rules of the United States Patent and Trademark Office for recordation of this document.

IN WITNESS WHEREOF, executed by the undersigned inventor(s) on the date opposite his/her name.

Date: 7/30/03 Signature of Inventor: 
Philip KWAN

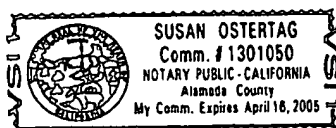
WITNESS MY HAND at Santa Clara County California, this 30 day of July, 2003

Philip Kwan

STATE OF CALIFORNIA }
COUNTY OF Santa Clara SS.

On this 30 day of July 2003 before me, Susan Ostertag, a Notary Public, personally appeared Philip KWAN, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person/s whose name is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacities, and that by his/her/their signature/s on the instrument the person/s or the entity upon behalf of which the person/s acted, executed the instrument.

WITNESS my hand and official seal.




NOTARY PUBLIC